

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KRISTOPHER BEAN,  
Petitioner,  
v.  
DERAL ADAMS, Warden,  
Respondent. } Case No. CV 09-9216 GHK (JCG)  
} **ORDER ACCEPTING REPORT AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE AND  
DENYING CERTIFICATE OF  
APPEALABILITY**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge’s Report and Recommendation, Petitioner’s Objections to the Report and Recommendation, and the remaining record, and has made a *de novo* determination.

Petitioner's Objections generally reiterate the arguments made in the Petition and Traverse, and lack merit for the reasons set forth in the Report and Recommendation.

Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and accepted;
2. Judgment be entered denying the Petition and dismissing this action with prejudice; and
3. The Clerk serve copies of this Order on the parties.

1        Additionally, for the reasons stated in the Report and Recommendation, the  
2 Court finds that Petitioner has not made a substantial showing of the denial of a  
3 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*  
4 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate  
5 of appealability.

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7        DATED: October 20, 2011

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11        HON. GEORGE H. KING  
12        UNITED STATES DISTRICT JUDGE

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